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ABSTRACT

Examined were the expectations and characteristics of the parents in 25 families involved with due process concerning the education of their learning disabled, emotionally disturbed, gifted, or speech impaired children (7-21 years old). Families availing themselves of the appeals process under Chapter 766 (a Massachusetts law providing for the special educational needs of handicapped children) were interviewed to determine beliefs about the child and education in general, attitudes concerning the child's needs, their sense of empathy, technical competence to understand the law, their child's needs, and the school's position. School variables such as quality of the evaluation and development of an educational plan were considered, as well as key variables in communication between school and parent. Findings included the following: 75% of those who requested a hearing expected that they could win; all parents were apprehensive; generally the schools had more resources than the parents (counsel and witnesses); the procedure was costly in terms of money and anxiety; and 80% underwent a process of self-education related to their child's special need. (IM)

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PARENTAL PERCEPTIONS OF THEIR EXPERIENCES WITH DUE PROCESS IN SPECIAL EDUCATION: A PRELIMINARY REPORT

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Parental Perceptions of Their Experiences With A Due Process in Special Education: A Preliminary Report[1]

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"Schools have all the time, all the personnel, all the help they need, and when they know that the school committee has already said that they won't pay for any private placements, then they feel as though they can act any way they want."

Due process procedures have been incorporated into special education legislation and litigation in an effort to insure parents their rights under these new statutes. The intent was to encourage those parents whose rights had traditionally been neglected to have an avenue of redress through which they could voice their complaints before an impartial hearings officer. Hopefully, this would lead to decisions which would place these children in educational programs designed specifically to address their special needs. In Massachusetts, parents were, for the first time, given the opportunity actively to participate in the school's core evaluation team in helping to design an appropriate educational plan.

The due process system was incorporated to assure that the rights of parents and children would not be violated. The Research Institute for Educational Problems (RIEP) has undertaken research to investigate the extent to which

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persons are taking advantage of their new rights to participate and rights to appeal. A major component of the research design being employed is a study of families who had availed themselves of the mechanisms of appeal under Chapter 766.

A sample of twenty five user-parents has thus far formed the basis for intensive interviews. These interviews were designed to explore the prehistory of the families' relationship with the school, the expectations held by parents when they heard about Chapter 766, those leading up to the hearings, the hearing itself, and its aftermath. It was also intended to discover characteristics of families who used the system and the types of experiences which lead families to avail themselves of the appeals process. From our initial interviews a distinct picture is beginning to emerge.

Our underlying hypothesis is that parents who use the hearings process exhibit a set of characteristics based on the interaction between some characteristics of parents, some characteristics of school behavior and the quality of communication between the two. For example, there might be two sets of parents with the same characteristics which we hypothesize would prompt parents to request a hearing. If the communication with school personnel has been non-adversarial and open, and if the school has done a quality evaluation and program prescription, those parents will not request a hearing because they will be able to work in

cooperation with the school to develop an appropriate program for their child. If communication with the school becomes highly charged and adversarial, and if the school has not done a good evaluation or developed an adequate program based on that evaluation, parents with similar characteristics will request a hearing. Under these circumstances, we expected parents with high socio-economic status to be more likely to be users of due process, because we expected high SES to be a predictor of a higher level of education, more money to spend on independent evaluations or other appropriate testing, on the services of an attorney or other counsel and expert witnesses to represent them at a hearing. We also expected that parents with a higher educational level would be better able to understand or to know where to seek knowledge of the subtleties of the law, their child's handicap and the position of the school in relation to their diagnosis and program prescription.

Other parent variables were designed to deal with the parents' belief system. We asked what the parent thought his/her child's needs are and what the expectations were for that child. We asked what parents saw as the future possibilities fo. the child and what they expected would happen to the child in his/her current educational placement. These variables were designed to test the hypothesis that parents holding high levels of expectation regarding the quality of education offered by the public schools would make greater

demands on the school and be more likely to request a hearing if their demands were not met.

Research on social change indicates that empathy is an important variable for those who accept change in its early stages. Extending this principle to due process in special education as innovative social change, we expected parents with a high degree of empathy to be more likely to be users. Empathy was measured in terms of people's ability to see their situation generalized beyond themselves.

Finally, we asked a series of questions designed to determine the psychic and dollar cost to parents of their experience with an adversarial due process system.

To summarize, we considered the following variables for parents to be key: beliefs about the child and education in general, attitudes concerning the child's needs, a sense of empathy, technical competence to understand the law, their child's needs, and the school's position.

We considered the following school variables: quality of the evaluation, development of an educational plan which followed from the evaluation, the quality of communication, including the process of information dissemination, the steps from child evaluation to hearing, the attitudes of the school displayed toward the child and parents, and the schools' intent to comply with Chapter 766.

Key communication variables between school and parent considered were ease and number of opportunities for

communication between parent and school, shared perception of the child's needs and definitions of adequacy for programming.

Based on the above model, we would predict that parents who are high on all the parent variables will request a hearing if there is low quality of communication between them and the school, and if the school is low on the variables outlined for schools.

Socio-economic status of parents was determined along the variables of highest level of education achieved and occupational classification. Our first finding was that socio-economic status alone was not significant in determining whether a parent would request a hearing or not, given poor quality of communication with schools and poor score on the part of schools in performing evaluations and prescribing appropriate programs. From our data we found one father and one mother with less than a high school education, five fathers and nine mothers whose highest level of education was high school graduation, seven fathers and eight mothers held a B.A. degree, three fathers had received an M.A. but no mothers, and three fathers and one mother held a Ph.D. degree.

Of the fathers, four were professionals, four were in business, six were in white collar office jobs (engineers, etc., excluding business), five were in skilled or unskilled laboring jobs. Sixteen of the mothers were housewives,

three were returning to finish college or pursue advanced degrees, two were employed as social worker, and educator.

Although our original hypothesis did not indicate that socio-economic status alone would determine whether a parent would or would not request a hearing, we did postulate that high SES would tend to be an indicator of certain attitudes which would be significant. We have found this set of expected attitudes did exist in all the families of our sample.

Our sample included 80% male children, 20% females. The average age of children represented in the sample is 11, the range spanning 7 to 21. Of these, 75% were children whose special needs were described by the parents as learning disabled, 20% were described as emotionally disturbed, 5% gifted or speech impaired. Parents expressed that they had known of their child's disability for an average of six years. A closer look at the data showed that most parents became aware of the child's disability sometime during his/her first grade year. Of these, 75% of the parents had tried from their first knowledge of the child's disability to get some additional help within the school to address the child's specific needs. This contact was, except for the very youngest children in the sample, prior to the enactment of Chapter 766. With the enactment of Chapter 766, 72% of the parents got an independent evaluation in addition to the school's evaluation, and prior to the meeting of the core

evaluation team. After attempting to get additional help from both the school and outside sources, and after repeated efforts to get the school to draw up an adequate educational plan or even to call a core evaluation team meeting, 45% of the parents felt compelled to withdraw their child from the public sector and seek placement in a private program which they considered appropriate.

Of the group of parents who withdrew their child, all expressed the concern that without additional extra help, their child would fall further and further behind, would perhaps become a school drop-out, or suicidal if he/she continued in the public school placement. These parents were the group who had the greatest length of contact with the school, had for many years been trying to get the school to develop an adequate program, had finally lost faith and felt their child had reached a critical juncture.

Fifty-five percent of the parents expressed a desire to have their child in a public school and a strong belief in public education. Their reasons for withdrawing the child were because the school staff said they never had time to meet with parents, the school treated the parents as trouble makers, the school delayed beyond the timelines specified in the regulations for developing a plan, the school did not keep the parents posted on the progress of the child, even though the parent had requested it. Of this group, 70% felt they were correctly informed about

the nature and severity of their child's special needs; it was their treatment of them as parents, basically the quality of communication which became damaged. The other 30% of this sample felt that the schools had misrepresented the severity of the child's handicap--that his/her problem was primarily emotional when the parent's independent evaluation had described the major problem as a learning disability with an emotional overlay.

Of the other 45% who expressed the attitude that they felt their child could only get a good education in a private school, all also felt that the public school had grossly misrepresented the nature of the child's problem, the severity of the problem, and had consistently provided inappropriate educational programs which caused the child to fall further and further behind his/her classmates.

Close to 100% of parents had visited schools frequently, to see the facilities, to discuss specifics of the program with the teacher, to coordinate home activities and to discuss the child's progress. Before the Core Evaluation Team (CET) meeting, 33% of parents had been active in trying to work with the school to try and draw up adequate plans for their children.

In answer to the question, what do you think a good education should consist of, 50% said that it should be one which develops one's creative potential, half of those in addition stated that they thought it should provide a

stimulating intellectual environment. Forty five percent, many of them overlapping the above, felt that it should prepare the child for an advanced education. Of the 60% who felt that an education should prepare the child for a job, 50% of these felt this was the sole measure of a good education.

To compare these data with the expectations parents felt for their child's future, we found only one parent who was unclear about what he/she expected for the child's future. Sixty percent of the total population expressed the desire that their child live up to his/her creative potential, 80% expressed the concern that their child lead a normal life, of these, 25% expressed this as their only concern. Twenty percent of the total population were concerned solely with their child getting a job, all of these feeling that getting a job was also the measure of a good education. Fifty percent stated that they foresaw college as part of the child's future.

All parents felt that if they had accepted the inappropriate educational plans proposed to them by the school, that the expectations for their child's future and their expectations of what an education should provide were not being fulfilled, regardless of what their expectations or hopes may have been.

All but one parent had an independent evaluation of their child. In 67% of those cases, the school's evaluation did not

disclose the child's special needs, or was incomplete in its diagnosis. In 12% of the cases, the school suggested that the parents get an independent evaluation for their child, and in the other 12% the parents had gotten the independent evaluation before the enactment of Chapter 766, and the schools were willing to accept this evaluation. In all but two cases, the parents felt that the program was developed simply because it was a program the school would be able to deliver. They did not feel that it had been designed to address the specific needs of their child. The other two people did feel that their child's special needs were considered by the school. However, they felt that although the school had good intentions, it did not understand their child's problem.

In addition, 75% of the parents felt that the schools' response to Chapter 766 had been a negative one. More specifically, they felt that schools tried to ignore the law, were purposefully in non-compliance, misinformed parents or withheld information altogether. Eighty five percent of the parents experienced delay tactics on the part of the school which meant non-compliance with the timelines set by the regulations. Parents relate a series of delaying and manipulative tactics on the part of schools which they felt were consciously engineered to discourage them from pursuing their requests. Although schools had a year to "gear up" before implementation of their new programs, many parents who had requested cores in the spring of 1974, had not received

educational plans by the time their child was to begin school that fall. All parents experienced trouble in the core team meeting--meetings scheduled at times when it was impossible for them to attend, meetings changed at the last minute by schools, not once, but many times. Often parents changed long-standing family plans or returned from vacations only to find the school postponing the core meeting yet another time.

In all but three cases, the school's behavior at the core meeting discouraged parent participation. Parents were made to feel they were not qualified to help in developing an educational plan, or that they might just as well not have been at the meeting at all. The other three said that, although the school did let them participate, it was largely a matter of courtesy. When they received the completed educational plan, their suggestions had been ignored. Every parent felt that he/she was qualified to participate at that meeting, 80% of these feeling that they had specific knowledge of their child's needs which would uniquely qualify them to help in drawing up the educational plan. These parents had taken specific steps to gain expertise in the area of their child's special needs. These included extensive reading of books, taking courses, and being active in local chapters of related special groups. Three of these were certified experts prior to the meeting in the area of their child's special needs (learning disabilities

specialists and a trained child psychologist who was a parent with an emotionally disturbed child). One mother expressed it this way:

"When I went to other people's evaluation, as an advocate, everyone was nice and polite to me; I would say this is the law, and they would say, 'Yeah, you're right.' But then when I went to my own hearing I would say this is the law and they'd say, 'Yeah, shut up, you're just a parent,' No one paid any attention to me."

Twenty five percent of the total population felt that some members of the CET were unqualified to draw up an educational plan for their child. All of these parents also were in the highly educated bracket, holding an M.A. degree or higher.

In addition, every parent expressed the feeling that the underlying concern with the school was a financial one. Some schools even expressed this overtly.

"At the hearing the school said we had a nerve trying to get a free ride."

"The school doesn't want to spend any money; this is a penny-pinching town."

"At every meeting I went to I had the question of money thrown at me."

"Money, money, money, that's all I heard."

"When I heard that schools wouldn't pay for any private school placements, no matter what the circumstances, I

just broke down and cried. We've been hoping for something for so long."

Up until the CET meeting, all parents expressed high hopes in being able to work with the school in being able to develop an adequate educational program for their child. Even after all the negative experience with the school, all parents but one felt that they would much rather have negotiated with the school than go to a hearing. The one exception was a parent who had had eleven years of adversarial buildup with school personnel, plus negotiation sessions which had failed in the past.

Parents stated that they only requested a hearing after they had received a plan which did not contain those components they had felt should be contained in the plan, and which they had expressed to the school. Some parents stated that they had continued attempts to negotiate, in a few instances requesting help from an officer from the regional office. When these attempts failed, they felt compelled to request a hearing, although no parent did so except as a stated "last resort."

Seventy-five percent of those who requested a hearing did so with the firm expectation that they could win, expressing that the issues were so clear cut, and the history of dealings and noncompliance on the part of the school were so blatant that the facts would speak for themselves.

Thirty-three percent of parents felt that the hearing centered around a single issue, this being the school's

unwillingness to admit that their own programs are inadequate, and the school's expressed refusal to reimburse for private placements in adequate programs. Other parents viewed the hearing as centering around a composit of issues including the school's unwillingness to develop any adequate programs for special needs children, school and parent disagreement about the nature of this particular child's special needs, and the fact that the child is getting older and the parent can no longer wait for the school to try to develop a possibly adequate program.

Going into the hearing, all parents felt nervous, scared, and apprehensive about the nature of the hearing. Only two parents stated that they felt determined to win; one parent was sorry at the last minute that they had gone as far as a hearing. All were unsure about the character of the hearing they were about to attend. In 67% of the cases, at the hearing itself, the hearing officer succeeded in making the parties feel more comfortable and at ease; in 33% of the cases, nothing happened to change their initial feelings of fear and apprehension. These same 33% also stated that the school was belligerent and the hearing officer seemed incapable of controlling the hearing. All of the parents stated that the school's testimony differed in some way from what they had expected. In 85% of these instances, the differences included the school changing the plan presented at the hearing, claiming a loss of

evidence or bringing in or presenting new evidence previously unknown to the parents. In 25% of the cases, the school was said to have falsified the progress of the child. In 25% of the cases, the school acted considerably more belligerently at the hearing than the parents had anticipated, for example, by being rude to parents and calling them liars. Other examples are illustrated by the following quotations:

"All of a sudden at the hearing the school said all (the child's) her/problems were caused by our (the parents') unwillingness to send her to public school. They ignored all the tests saying that she had severe brain damage--suddenly, it was us against them."

"The director of special education laughed in my face and said you haven't read my published material when I asked her what the qualifications of the different teachers were."

"The school's attorney argued that we wanted our child in a private school for social prestige even though he knew that we had five other children in public schools."

The school had told parents in 20% of the cases that the hearing was to be informal, but when the parents came to the hearing without counsel or witnesses, prepared for an informal discussion, they found the school armed with town counsel and a battery of witnesses prepared to argue the case in the most legalistic manner. In the parents' view, the two most difficult obstacles to overcome in the school's presentation were the fact that the school had the

money and resources to bring in counsel and as many witnesses as they wanted to, and schools very early learned to write plans that were in compliance on paper, but which the parent was convinced either did not fit the child's need, or were impossible for the school to deliver. One parent, an experienced businessman and president of a company, who was led to believe that the hearing was to be informal, stated afterwards, "The state's not in your corner either. Here's the lonely citizen fighting a lonely battle. The school brings in all its big guns, and the hearing is so disorganized an average lawyer can't do his job."

Regardless of whether the parents won or lost their hearing, all but one parent felt that the hearing officers were fair and impartial, and that they did a good job in bringing out relevant information. The parent who disagreed happened to be one who had received the decision in favor of the school on the day of the interview, which may have prejudiced his perception.

Only fourteen families had received their decision by the time of the interview. Of these there were eight who felt they had won, six who felt they had lost. Of those who did win, 80% felt their child had progressed, often dramatically, in the present program. Of the six who lost, two are in Superior Court having been appealed by the school, one is going into a second hearing, the parent appealing the initial decision. In this case, the decision of the

hearing officer was not implemented by the school and the parents have asked for a second hearing. Another parent has appealed his case to the State Advisory Commission.

In terms of financial cost to parents, 85% of the parents stated that this was a very costly procedure, quoting figures up to $4,000. Costs incurred included attorney fees, paying for independent evaluations, paying for expert witnesses to appear at the hearing, time lost from jobs, duplicating costs, and long distance telephone calls. Fifteen percent of parents spent a moderate amount of money.

Without exception, all parents related massive psychic cost to themselves and their families. Twenty five percent complained of excess nervousness, severe anxiety attacks and enormous disruption of normal family routines. Another 25% of the population suffered from excess nervousness and disruption of family routine. Others complained only of excess nervousness (20%). In 15% of the families, one or more family members became physically ill as a result of their nervousness and anxiety. In a final 15% a chaotic disruption of normal family routines was the only effect mentioned.

When asked what specific changes occurred in the family as a result of this experience, we coded the following responses: 80% underwent a process of self-education related to their child's special need. All of these have also become involved

also felt an extension of state funding would make the schools more agreeable to developing innovative and adequate programming for special needs children. The other two families felt that nothing would improve until school personnel radically changed their attitudes and approaches to the education of special needs children.

From this initial set of interviews of parents in Massachusetts, a distinct picture is beginning to emerge. Although the sample is still relatively small, our initial hypotheses seem to have been borne out by our data. We may have erred in assuming high SES to be an indicator of attitudes, but the set of variables which we suggested would be present in parents who asked for a hearing have been accurate. The composite picture indicates that the parents' view of educational goals for the child may vary, but all parents felt that the schools had a definite responsibility to fulfill the goals they held for their own children, whether it be job preparation or higher education. The attitude of these parents is that the schools are not providing something they strongly feel their child deserves in terms of adequate programming. The enactment of Chapter 766 merely exacerbated the problem because it instilled a new hope in parents that schools would finally be forced under the law to do something for their children.

Parents who continued their appeal through the hearing itself consistently expressed a strong feeling of personal

efficacy, although they felt drained by the process and weren't sure they would be willing to go through it again. Parents also, either through prior knowledge, self-education or courses, made themselves technically competent to challenge the school's position. Parents also expressed a great empathy towards other parents with special needs children, a generalizability of their position, and a desire to help, which was expressed in a variety of ways from returning to school to becoming a trained parent advocate to starting a local MACLD chapter.

Schools we found involved in the hearings process were ones who had been low on the variables for schools we had selected. The quality of the evaluations generally was disputed by parents, the uncooperative nature of communication between school and parent often obfuscated or resulted in withheld information. The beliefs the school held about the child's special needs, or at least the ones related to the parents, differed from the parent's view of their child. The attitudes displayed by the school towards parents were consistently negative, including rudeness, lying and generally treating parents like troublemakers or unqualified intruders. In particular, parents expressed doubts about the school's intent seriously to work at developing appropriate programming for their own children or for special needs children in general.

Finally, the quality of communication between parents and schools was consistently bad, and deteriorated during

the process. It became more negative, highly charged and adversarial. Parents consistentely pinpointed the Core Evaluation Meeting as the turning point in their attempts to deal positively with the school. From that point on they felt communication had broken down so severely that their only recourse was to request a hearing.

We intend to continue to interview parents who go through the hearing process to test whether our early data are consistently valid for a larger sample of parents. We also intend to interview a sample of parents who have accepted educational plans to see what characteristics adhere to that population. Our tentative hypotheses are that parents who score low on the parent variables we have tested will not request a hearing and will accept poor educational plans, particularly if the school scores low on school variables and the communication between school and parent is of poor quality, For example, if the school consistently uses "cooling out" tactics with parents. Significantly, all the parent users have come either from areas of suburban Boston or small western towns. Bureau of Special Education Appeals statistics show that out of a total of more than 250 hearings held, only four have been from Boston.

Another component of our research will involve interviews of selected school personnel on a case to case basis in order to develop an overall picture of the similarities

and differences in the perceptions of the process from the perspective of schools and parents.

Parents consistently and strongly expressed concern about the degree of adversarialness which builds up between themselves and the school. They also expressed the opinion that if additional state funding for special needs children were available, they would have a better chance of working cooperatively with the school to develop better programs for their children. In order to help neutralize feelings, the need for help from an outside negotiator who steps in early in the process to help both parties in information sharing becomes more and more evident. The real possibility for additional state funding for special education is a much more difficult question, particularly in light of the present budgetary situation in Massachusetts.

We must remember that Chapter 766 is a very early experiment in an innovative conception of educational planning which involves the participation of parents as central figures for the first time, as well as addressing the way children are served in the public sector in a new way. Parents who take advantage of their rights to due process are probably entrepreneurial in nature and will not reflect the population of later users. In this sense, these early years are crucial ones. Whether this set of parents succeeds in awakening the school's responsiveness will be a strong determinant of patterns of future use, and the degree to which the promise of this special education reform will be fulfilled.

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